

The 25th March, 1982

No. 9(1)82-8Lab/2165.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Ferrous Alloy Forgings, Industrial Estate, Faridabad:—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 48 of 1979

between

THE WORKMEN AND THE MANAGEMENT OF M/S. FERROUS ALLOY
FORGINGS, INDUSTRIAL ESTATE, FARIDABAD

Present:—

Shri R. N. Roy for the workmen.

Shri R. N. Jai for the management.

AWARD

By order No. FD/1/236-78/3931, dated 25th January 1979 the Governor of Haryana referred the following disputes between the management of M/s. Ferrous Alloy Forgings Industrial Estate, Faridabad, and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

1. Whether the workmen are entitled to the grant of bonus for the year 1977-78 ? If so, with what details ?
2. Whether the workmen are entitled to the grant of house rent allowance ? If so, with what details ?
3. Whether the workmen should be supplied with uniforms? If so, with what details?
4. Whether the workmen are entitled to any increase in their wages? If so, with what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 19th June 1979:—

1. Whether the demands have been espoused by a substantial number of a workmen? If not, to what effect?
2. Whether the workmen are entitled to the grant of bonus for the year 1977-78? If so, with what details?
3. Whether the workmen are entitled to the grant of house rent allowance? If so, with what details?
4. Whether the workmen should be supplied with uniforms? If so, with what details?
5. Whether the workmen are entitled to any increase in their wages If so, with what details?

The case was fixed for the evidence of the workmen, who after many opportunities produced Shri D. S. Chauhan an ex-workman as WW-1. The management examined Shri Y. P. Malhotra as MW-1, Shri Ram Narain Pandit helper as MW-2 and Shri Nathuni Bhagat as MW-3. Arguments were heard. I now give my finding issue wise:—

Issue No. 1:— WW-1 stated that when he was in the employment in 1978 a demand notice Exhibit W-1 was served upon the management which bear his signature. After the demand notice conciliation was held. He was General Secretary of the union. Proceeding book was with the Bhartiya Mazdoor Sangh people. In cross-examination he stated that the name of the union was Ferrous Alloy Mazdoor Union affiliated with Bhartiya Mazdoor Singh. The union was not registered. membership record was with Shri Onkar Parshad who was now dead. meeting was attended by 35-36 workers. The demand notice was given on behalf of all the workmen. The proceedings of the meeting were not recorded. It was oral. He further replied that the signatories of the demand notice were not in the employment of the management now. He did not know if some of the workmen had given in writing that they were not interested in the present dispute.

MW-1 stated that he was Manager of the factory and looked after labour matters. There was no Union of workers from January 1978 to March, 1979. He never received any demand notice, however, the Conciliation Officer had given a copy of the demand notice to him. At that time there were only 27-28 workers who had not given any demand notice to him. However, the workers had given an application stating that they were not interested in the present dispute. In cross examination headmitted that he had attended conciliation meeting in receipt of the present demand Exhibit W-2 was signed by the representative of the management. M-2 stated that he was working in the factory from 1978. There was no union of workers. They had not submitted any demand notice. Exhibit M-1 was signed by him. They had no dispute with the management now. In cross examination he stated that he did not know if the signatories of Exhibit W-1 were working in the year 1978 but of them Shri Brij Narain, Shri Mukand Singh, Shri D.S. Chauhan, Shri Rajinder Pal, Shri Ram Dayal Shri Gurcharan Singh, Shri Upal Pal, Shri Ram Achal Shri Dev Nath etc. were working at that time. MW-3 stated that there was no union of workers in the year 1978. They had not submitted any demand notice. He admitted his signature on Ex. M-1. In cross-examination he stated that he did not know the contents of Exhibit M-1. He had signed it on the asking of Shri Brij Narain.

The learned representative for the management argued that the workmen did not produce any resolution or record to prove espousal of the demand. Only one ex-workman was produced by them. He further argued that the union was not registered. On the other hand the learned representative for the workmen argued that these demands were collective demands, therefore, was nothing to convert it into a collective one. The management representative cited 1961-62 FJR page 207, 1966-67 FJR page 146, 1974 S. C. R. (1) page 98, 1949 LL page 875 and 1966-67 (31) FJR page 266. It is an admitted fact that no document was produced on behalf of the workmen to prove a meeting of workmen at the time of sponsoring of the present demands. Even the witness who was examined on behalf of the workmen had deposed that no writting took place even in the meeting held. On the other hand the management examined two of the witnesses who denied the existance of the union at the time of giving of the demand notice but the management also produced Exhibit M-I, an application signed by 18 persons. But I do not give much credence to this document because MW-3 had stated that he did not know its contents. The same was got signed by some other persons from him. The rulings cited by the management giving rule that it was incumbent upon the workmen to prove espousal of the demands, through a meeting or otherwise, by a substantial number of workmen. But in the present case only one ex-workman was produced. None of the present workmen appeared to support the demands. The number of workmen in the employment at the time of the demand was given by WW-I as 55 to 60, by MW-1, 27-28, by MW-2, 15-16 and by MW-3, 15-16. Support of one witness out of 15-16 could not be held to conform the standard provided in 1974 S. C. R. Page 98 and 1966-67 (31) FJR Page 266 This issue is, therefore, decided against the workmen.

Issue No. 2 to 5.—On the findings given by me on issue No. 1, these issues needs no decision: While answering the reference, I give my award that the case of the workmen fails on issue No. 1 and the workmen are not entitled to any relief, in this reference. I order accordingly.

Dated the 23rd February, 1982.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 204, dated the 24th February, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment, Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

The 22nd April, 1982

No. 9 (1)82-6Lab/3184.—In pursuance of the provisions of section 17 of Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Sunita Suting and Fabrics Private Limited, Sector-6 Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD.

Reference No. 331 of 1979.

between

SHRI TILAK BHADUR WORKMAN AND THE MANAGEMENT OF M/S SUNITA
SUTING AND FABRICS PRIVATE, LTD., SECTOR-6, FARIDABAD

Present :

Shri Mohit Kumar for the workman.
Shri G. S. Choudhery for the management.

AWARD

By order No. ID/FD/8)-79/44901, dated 22nd October, 1979, the Governor of Haryana referred the following dispute between the management of M/s Sunita Suiting and Fabrics Private Limited, Sector-6, Faridabad and its workman Shri Tilak Bahadur to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Tilak Bahadur was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed and the case was fixed for the evidence of the management. But on 23rd February, 1982, the representative for the management filed a full and final settlement. According to the settlement the workman agreed to receive a sum of Rs. 2,750 in full and final settlement of his claim. The representative for the workman also agreed to it. In view of the settlement and statements given by the parties, I give my award that the dispute had been settled between the parties.

Dated the 3rd March, 1982.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 281, dated 15th March, 1982

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 9(1)82-6Lab/3185.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Metal Crafts, Village Mujessar, Faridabad:—

**BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.**
Reference No. 216 of 1981

between

**SHRI BIR SINGH YADAV, WORKMAN AND THE MANAGEMENT OF M/S. METAL
CRAFTS, VILLAGE MUJESSAR, FARIDABAD.**

Present:—

Shri Nagesh Singh, for the workman.
Shri K. P. Aggarwal, for the management.

AWARD

By order No. ID/FD/82/81/32975, dated 3rd July, 1981, the Governor of Haryana referred the following dispute between the management of M/s. Metal Crafts, Village Mujessar, Faridabad and its workman Shri Bir Singh Yadav, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Bir Singh Yadav was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed and the case was fixed for the evidence of the workman. But on 3rd March, 1982, the representative of the management Shri K. P. Aggarwal filed a settlement Ex. M-1. According to the settlement the workman agreed to receive a sum of Rs. 1,000 in full and final settlement of his claim. The representative for the workman also agreed to it. In view of that settlement and statements given by the parties, I give my award that the dispute had been settled between the parties.

Dated the 4th March, 1982.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana Faridabad.

No. 282, dated the 15th March, 1982

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.